



3-3-05

AF/IFW \$

RTEE 2 13410-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Chartier, et al.  
TITLE : PIVOTING JAW PIPE WRENCH  
APPLICATION NO. : 10/764,302  
FILED : January 26, 2004  
CONFIRMATION NO. : 8267  
EXAMINER : Debra S. Meislin  
ART UNIT : 3723  
LAST OFFICE ACTION : December 3, 2004  
ATTORNEY DOCKET NO. : RTEE 2 13410-1

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed December 3, 2004 finally rejecting claims 1, 4 and 7.

The items checked below are appropriate:

**1. STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00

**3. EXTENSION OF TERM**

☐ Applicant(s) hereby petitions the Commissioner under 37 C.F.R. §1.136(a)

for a -month extension of time up to and including in which to file the

accompanying Notice of Appeal. The check in the amount of \$ for the extension fee is enclosed herewith. Applicant(s) request any additional extensions of time that may be necessary and authorize the extension of time fees or any deficiency in fees herewith to be charged to Deposit Account No. 06-0308.

#### 4. TOTAL FEES DUE

The total fee due is:

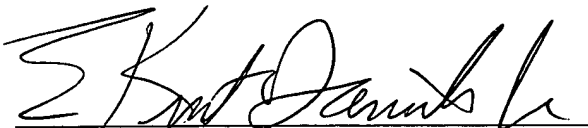
Notice of Appeal Fee:	<u>\$500.00</u>
Extension of Time Fee:	<u>\$ .00</u>

#### 5. FEE PAYMENT

Attached is a check in the amount of \$500.00 for the notice of appeal and a check in the amount of \$ -0- for the extension of time fee. If any additional fees are required, the Commissioner is hereby authorized to charge Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE LLP

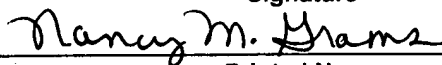
  
E. Kent Daniels, Jr., (Reg. No. 19,598)  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

#### CERTIFICATE OF MAILING

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

- ☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
- ☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<b>Express Mail Label No.:</b>
<b>EV 495000450 US</b>
<b>Date</b>
<b>March 2, 2005</b>

<b>Signature</b>

<b>Printed Name</b>
<b>Nancy M. Grams</b>